

# YOU, THE JURY

## Kentucky Juror Handbook

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**Court of Justice**

Dear Fellow Kentuckian:

I wish to extend my appreciation to you for your jury service. In the matters to be brought before you, your considered judgment will be of great significance to all participants, whether they be judges, attorneys, or litigants. Your participation in government, and specifically the judicial process, represents one of the strongest facets of American democracy.



I hope your court experience provides you with a sense of accomplishment and enlightenment. Thank you again for your valuable time and patience.

Sincerely,

A handwritten signature in blue ink, which appears to read "Joe Lambert". The signature is fluid and cursive.

Joseph E. Lambert  
Kentucky Chief Justice

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# TABLE OF CONTENTS

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<b>1. Importance of Jury Service .....</b>	<b>3</b>
<b>2. Questions Jurors Often Ask .....</b>	<b>4</b>
How Was I Selected For Jury Service? .....	4
How Long Will I Serve? .....	4
What Are The Qualifications To Be A Juror? .....	5
What Does A Grand Jury Do? .....	6
What Does A Petit Or Trial Jury Do? .....	7
What Is The Difference Between Civil and Criminal Cases? .....	8
How Is A Jury Panel Selected? .....	8
What Is A Voir Dire Examination? .....	9
Can I Be Removed From The Jury? .....	9
<b>3. What Is Expected Of Me     As A Juror? .....</b>	<b>10</b>
Jurors Must Give Their Undivided Attention To The Trial .....	10
Jurors Must Be Impartial .....	11
Jurors Must Not Discuss The Case With Anyone .....	11
Jurors Must Not Research The Case Through The News Media .....	12
Juror Dress Code .....	12
Can I Be Excused From Jury Service? .....	12
Will My Employer Excuse Me From Work? .....	12
Will There Be Long Periods Of Waiting? .....	13

<b>4. Trial Of A Case: The Sequence Of Events .....</b>	<b>14</b>
1. Opening Statements .....	14
2. Examination of Witnesses .....	14
3. Judge's Instructions .....	16
4. Closing Arguments .....	18
5. Jury Room .....	18
6. Sequestering The Jury .....	20
7. Secrecy After The Trial .....	20
 <b>5. Important Points To Remember .....</b>	 <b>20</b>
Fairness Issues .....	20
Jurors Should Not Be Amateur Detectives .....	21
Jurors Must Be Prompt .....	21
When In Doubt, Ask The Judge .....	21
 <b>6. Glossary Of Judicial And Legal Terms .....</b>	 <b>22</b>
 <b>7. Judicial Charts</b>	
Anatomy of a Jury Trial .....	15
A Sample Kentucky Trial Courtroom .....	17

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## IMPORTANCE OF JURY SERVICE

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Jury duty is one of the most important responsibilities of a Kentuckian as an American citizen. It is a privilege enabling us to provide a service to our country, state, community and fellow citizens. It is a service that should be performed with pride.

Trial by a jury of one's peers is a sacred right of every American. It is the cornerstone of our judicial system, and the essence of American freedom. Your participation as a juror guarantees the continuation of this basic democratic process. All who seek their day in court are entitled to a fair hearing and you must ensure that they receive this constitutional right.

Serving as a juror requires that you exercise integrity, sound judgment and complete impartiality in the performance of this vital duty. It provides you with the opportunity to be a part of our state's judicial system.



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## **QUESTIONS JURORS OFTEN ASK**

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### **How Was I Selected For Jury Service?**

Effective November 15, 1991, by order of the Kentucky Supreme Court, all jurors are selected by computer. A chief judge, or his/her designee, must request the selection of jurors from a computer which contains a list of the registered voters, persons filing an individual income tax return in Kentucky, and licensed drivers over the age of 18 in the county. Lists of potential jurors are delivered to the circuit clerk, who then issues summonses to all prospective jurors. Each person served with a summons must report for jury duty at the time and place specified in the summons.

### **How Long Will I Serve?**

By law, a person summonsed to jury duty is required to be available for 30 court days; however, once a jury begins hearing a case, the jury will remain seated for the duration of that case. In some metropolitan areas, a person may be required to serve as few as 14 days, while in some rural areas, a person may be asked to serve as many as 150 days. The exact length of jury duty will be determined by the judge.



## **What Are The Qualifications To Be A Juror?**

A juror qualification form is enclosed with the jury summons. Prospective juror candidates are required to fill out the form and return it to the circuit clerk's office within five (5) days of receipt. The personal information on these forms is used to determine whether or not a person is qualified to be a juror. Qualification form information is for official court use only and is kept confidential.

The chief circuit judge or a designee, if one has been named, will determine, based on the information provided on the juror qualification form, whether or not a prospective juror is qualified for jury duty. To qualify for jury service a person must:

- be 18 years of age or older
- be a United States citizen

- be a resident of the county in which the case is to be tried
- be able to speak and understand English
- not have been convicted of a felony, unless pardoned or had his/her civil rights restored by the Governor, or other authorized person of the jurisdiction in which he or she was convicted
- not be presently under indictment
- not have served on a jury within the past 24 months

Should you be disqualified for one or more of these reasons, the judge or the designee will enter the disqualification on the space provided on the juror qualification form. Each disqualified juror will be immediately notified of his or her disqualification.

## **What Does A Grand Jury Do?**

A grand jury determines whether or not to indict, which means to bring a formal, criminal charge against an individual for a felony. Grand jurors do not decide guilt or innocence. The grand jury hears evidence and determines whether there is sufficient proof to support an indictment and to require the accused to stand trial.

One member of the grand jury is elected foreperson of the other jurors. The foreperson



is responsible for swearing in all witnesses who come before the grand jury. The commonwealth attorney examines each witness and advises the jury. No one is to be present in the grand jury room during the examination except the commonwealth attorney, a stenographer, the witness and anyone else required, such as a guardian for a child or disabled witness.

After all evidence has been presented, the grand jurors will deliberate and decide whether to return an indictment. Nine of the 12 grand jurors must be in agreement in order to return an indictment. All indictments must be signed by the jury foreperson, even if he or she personally voted not to return an indictment. If the grand jury votes not to return an indictment, the jury foreperson must report the fact in writing. It is the responsibility of the foreperson to report the vote results of the grand jury for or against indictment to the judge in open court.

## **What Does A Petit Or Trial Jury Do?**

Petit or trial juries hear and decide two kinds of cases, civil and criminal, in district or circuit court. Juries consist of six jurors in district court and 12 jurors in circuit court.

## **What Is The Difference Between Civil And Criminal Cases?**

Civil cases involve disputes between two or more individuals or corporations, and usually involve a judgment awarding monetary damages. The party filing suit is the plaintiff and the party being sued is the defendant. In a civil case, five of six jurors must agree on a verdict at the district court level, and nine of 12 jurors must agree at the circuit court level.

Criminal cases involve charges brought by the Commonwealth of Kentucky, represented by the commonwealth attorney in circuit court, or the county attorney in district court, against a person accused of committing a crime. The petit jury must decide the defendant's guilt or innocence, and recommend a suitable sentence should the defendant be found guilty. In a criminal case, all of the jurors must agree upon a verdict of guilt or innocence, and all must agree on the penalty if the defendant is found guilty.

## **How Is A Jury Panel Selected?**

To select a petit jury panel, the circuit clerk draws at least 16 names for district court cases and 32 names for circuit court cases from the jury list. The names are numbered and matching numbered cards are then placed into a box and drawn. From the drawn names, the final number of needed jurors will be selected by process of elimination.

## **What Is A Voir Dire Examination?**

After the jury panel is drawn, each member is administered an oath to truthfully answer all questions asked regarding his or her personal qualifications to sit as a juror. The judge and attorneys involved will determine if you are qualified to serve as a fair and impartial juror through a series of questions. This process is called voir dire. It is not meant to pry into an individual's personal background, or to discredit a person, but it is a means of deciding who will be a proper juror.

## **Can I Be Removed From The Jury?**

If it is determined that a juror is related to either party or a witness involved in the case, he or she may be challenged and "removed for cause" from the jury during the course of the voir dire examination. In criminal cases, jurors may also be excused for forming an opinion concerning the defendant's guilt or innocence before the trial begins.

In addition to those "removed for cause" from consideration as jurors, the plaintiff and the defendant are each allowed a certain number of peremptory challenges or "strikes" by which they can remove potential jurors for no stated reason. The number of peremptory challenges allowed each side varies and is dependent

upon whether the case is civil or criminal, and whether alternate jurors are requested.

The voir dire procedure should reduce the number of potential jurors to the size required to be seated, 12 jurors in circuit court and six in district court, plus alternates if requested. After all removals for cause and peremptory challenges have been exercised, if there are still more than 12 or six acceptable persons needed for a jury, the numbers assigned to those remaining jurors are placed back into a box by the clerk, who then pulls the proper number of jurors at random from the box. Those persons whose numbers are called are then seated as the jury. The remaining persons are excused.

When the jury is accepted by both sides, the members are sworn. Each member must set aside personal convictions and emotions, and decide the case strictly from the evidence presented and the instructions of the court.

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## **WHAT IS EXPECTED OF ME AS A JUROR?**

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### **Jurors Must Give Their Undivided Attention To The Trial**

Listen carefully to all questions, testimony and instructions. A jury's verdict can be based only on the evidence presented in the courtroom.

## **Jurors Must Be Impartial**

Jurors should avoid verbal or facial expressions that reveal their feelings about the case. It is important that you form your own opinions once all the evidence has been presented. You should not form or express an opinion about the case, or discuss it with other jurors before time for deliberations. Only after deliberations begin can jurors discuss the case among themselves.

## **Jurors Must Not Discuss The Case With Anyone**

Jurors should avoid conversations with attorneys, parties and witnesses involved in the case they have been assigned to decide. Casual greetings are permitted, but conversations could be interpreted as discussions concerning the case involved. During the trial, you should not discuss the case with your family or friends. If anyone approaches you and attempts to talk about the trial, you should report the fact to the judge immediately.



## **Jurors Must Not Research The Case Through The News Media**

During the course of the trial, you should not read, listen to or view any newspaper, radio or television reports of the trial that you have been assigned to decide.

## **Juror Dress Code**

Jurors should wear clothing that is comfortable and that properly suits the seriousness and dignity of the courtroom.

## **Can I Be Excused From Jury Service?**

Persons called to jury duty should not ask to be excused, except in an emergency. Those suffering from an ailment should present a doctor's note or personal letter to the judge explaining his or her situation. Do not have an attorney, employer or third party, other than a doctor, act on your behalf.

If you have a permanent medical condition which would prevent you from serving as a juror you may request exemption from jury duty. To be granted an exemption you must present sufficient proof to the court to allow the Chief Circuit Judge to find you have a permanent medical condition rendering you incapable of serving.

## **Will My Employer Excuse Me From Work?**

Employers, by law, must release someone who has been summonsed to jury service from his or her regular working schedule. Employers are not required, however, to compensate individuals for time spent away from regular employment during jury duty. Jurors are compensated \$12.50 per day by the state during jury service.

## **Will There Be Long Periods Of Waiting?**

Occasionally, jurors are required to sit through long recesses or waiting periods while the judge and other parties related to a case are negotiating. Your time is not being wasted, however. There are many reasons for such delays. Frequently, plea bargaining agreements are being negotiated. Often a party in a case cannot decide whether to settle his or her case outside of court, or take his or her chances with a jury. Many litigants will not settle out of court until jurors are ready to hear a case.



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# **TRIAL OF A CASE: THE SEQUENCE OF EVENTS**

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## **1. Opening Statements**

Opening statements presented by both sides - the plaintiff's or the commonwealth attorney, and the defense attorney - are the first steps in a trial. They outline the proof to be presented to the jury. The opening statements are not to be considered as evidence. Opening statements simply acquaint the jurors with the nature of the case.

## **2. Examination of Witnesses**

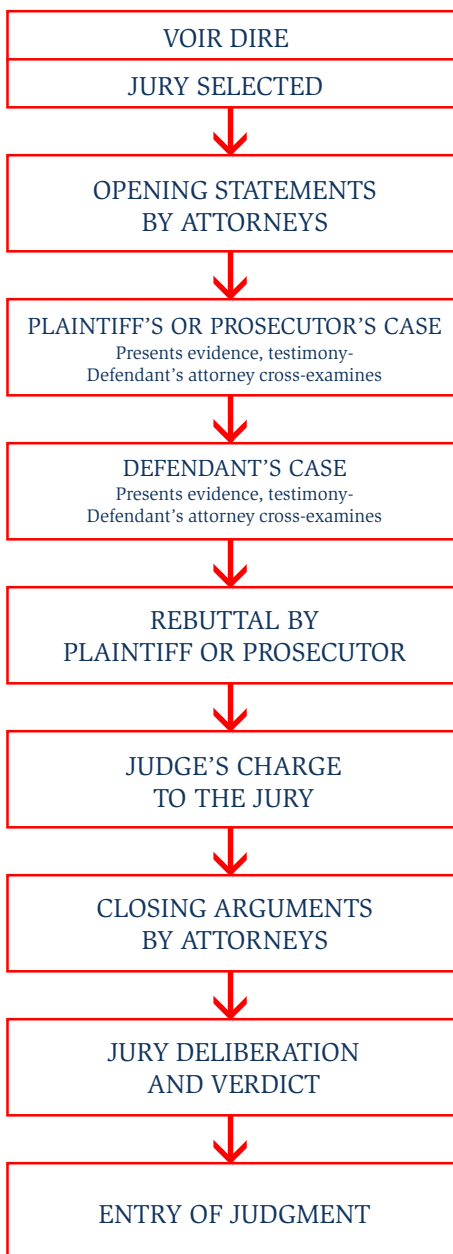
After the opening statements, the plaintiff's attorney or commonwealth attorney will present his or her case in the form of evidence. Evidence can be testimony by a trial witness or physical exhibits, such as a gun or photograph. Case presentation begins with the plaintiff's or commonwealth attorney's direct examination of a witness. Direct examination reveals points important to the case.

The defendant's attorney is allowed to cross-examine any witness called to the stand by the plaintiff or commonwealth attorney. The defendant's attorney will attempt to reveal points important to his or her client's side of the case.

Following the defense attorney's cross-examination, the plaintiff or commonwealth attorney is permitted to



# ANATOMY OF A JURY TRIAL



re-examine the witness in order to clarify statements revealed during the cross-examination by the defendant's attorney.

When the plaintiff's attorney or prosecutor has finished presenting his or her side of the case, the defendant's case is presented in the same format as the plaintiff's or Commonwealth's case.

During the course of the trial, attorneys may object to certain evidence presented and the judge will either sustain or overrule their objections. The evidence in question cannot be presented if the objection is sustained. It can be presented, however, if the objection is overruled by the judge.

The rulings of the judge on objections do not indicate favoritism toward either attorney. No trial is a popularity contest between lawyers. A trial is a search for the truth as prescribed by the law.

The judge rules on the questions of law and the jurors are the triers of the facts. Jurors consider only evidence which the judge has permitted, and must disregard any evidence that has been ruled inadmissible, or thrown out of consideration by the judge.

Jurors may address questions to the judge and to the witnesses and may take private notes during the course of a trial.

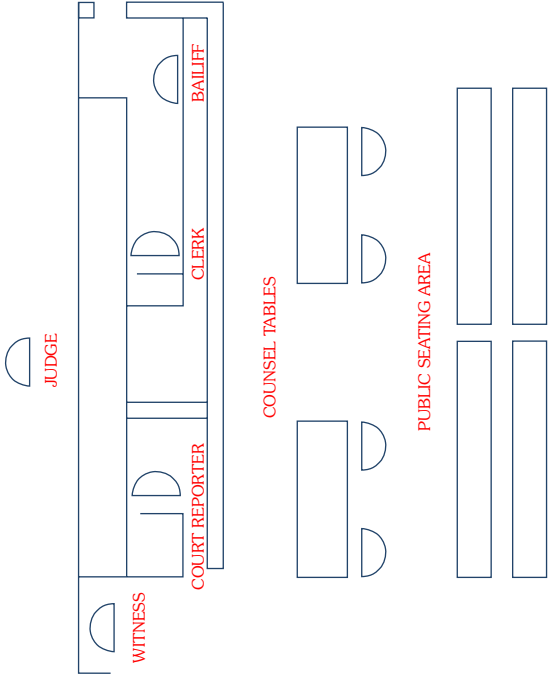
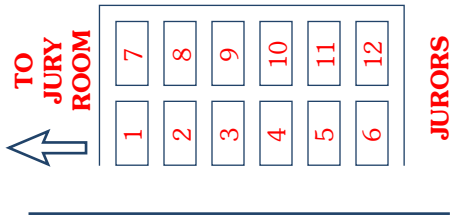
### **3. Judge's Instructions**

After all witnesses have testified, the judge will instruct the jury on the issues to be decided and the rules of law

# A Sample

## Kentucky Trial

### Courtroom



that apply to the case. The judge will explain the law based on the evidence presented in the case. Listen carefully to the judge's instructions. The judge must declare the law as it is and you must determine the facts under the law as it is presented to you. You cannot substitute your own opinion of what the law should be. The instructions are in writing and the jury will take them to the jury room when deliberations begin.

The judge cannot indicate to the jury which side he or she favors in a case. The jurors must decide the case for themselves. If you have any questions, ask the judge.

## **4. Closing Arguments**

After the judge has instructed the jury as to the law, the plaintiff's or Commonwealth's attorney and the defendant's attorney will give closing arguments to help the jury remember the evidence presented. Both attorneys will attempt to persuade the jury that, based on the evidence, the verdict should favor their client.

## **5. Jury Room**

Jurors select a jury foreman to act as presiding officer before beginning deliberations in the jury room. Every juror should be given an equal opportunity to express his or her views during deliberations. Each juror should keep an open mind when listening to the views of other jurors.

Your purpose as a jury is to reach an honest verdict.

Jurors cannot use sources of information from outside the courtroom in deciding their verdict. If a juror knows something favorable or unfavorable concerning the plaintiff or the defendant and discloses it in the jury room, the two parties have no opportunity to defend themselves. The information may be explainable and, whether true or false, may be something that should have no bearing on the outcome of the case in question.

In circuit court **civil** cases, three-fourths of the jurors (nine of 12) must agree in order to return a verdict. In district court **civil** cases, five-sixths of the jurors (five of six) must agree in order to return a verdict.

In **criminal** cases, all jurors must agree in order to reach a verdict. Failure to reach a unanimous decision will result in a mistrial and the case will be retried before a new jury.

Jurors should carefully think through their differences in order to sincerely attempt to agree on a verdict. Never agree to a decision, however, that you believe is contrary to the truth simply for the sake of reaching a verdict.

Should jurors decide they have questions about their procedures during deliberations, or about the judge's instructions, word should be sent to the judge and the judge may bring the jury back into the courtroom for clarification.

## **6. Sequestering The Jury**

Occasionally, a judge will find it necessary to sequester, or keep a jury overnight. If the judge should order a jury to be sequestered, jurors have the right to notify someone to bring personal necessities. The state will provide for juror dining and lodging expenses when a jury is sequestered.

## **7. Secrecy After The Trial**

While attorneys, litigants or other parties involved in a trial may ask jurors how they arrived at their verdict after the case has been decided, they have no right to such information. Jurors may talk about deliberations after the trial if they wish to, but your verdict cannot be questioned. What occurred in the jury room is secret and confidential.

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## **IMPORTANT POINTS TO REMEMBER**

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### **- Fairness Issues**

Age, color, disability, gender, national origin, race, religion, or sexual orientation of litigants or witnesses should not be considered by jurors in deliberations. Rather, each member of the jury must weigh the

facts presented in the case to reach a knowledgeable and reasonable decision.

### **- Jurors Should Not Be Amateur Detectives**

The only evidence you can consider is that presented in the courtroom. Do not make independent investigations or visit places involved in the case.

### **- Jurors Must Be Prompt**

Do not be late for court sessions. The trial cannot continue until you are present. If you are late, you will waste the time of everyone involved in the case.

### **- When In Doubt, Ask The Judge**

If you are unsure of your rights or your duties as a juror, do not hesitate to ask the judge. Do not ask anyone but the judge. If an emergency should arise, consult the judge about it.

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## GLOSSARY OF JUDICIAL AND LEGAL TERMS

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**acquittal** - The legal and formal certification of the innocence of a person charged with a crime.

**answer** - The defendant's response to allegations in a case.

**appeal** - The process by which a case is carried from a lower court to a higher one for review.

**bailiff** - A court official who maintains courtroom order and jury custody.

**brief** - A written or printed document prepared by counsel to file in court, usually setting forth both facts and law in support of his or her case.

**case** - Any proceeding, action, cause, suit, lawsuit or controversy initiated through the court system by filing a complaint, petition or indictment.

**charge to the jury** - A judge's instructions to the jury regarding the laws pertaining to the case.

**circuit** - A geographical court jurisdiction composed of one or more counties.



***circuit court*** - A court of general jurisdiction that hears all civil matters involving more than \$4,000. It has jurisdiction of capital offenses and felonies, divorce, adoption, termination of parental rights, land title problems and contested probate of will cases.

***closing argument*** - A summary of evidence presented to the jury by the attorneys involved in a trial.

***complaint (civil)*** - Statements by the plaintiff making claims against the defendant.

***complaint (criminal)*** - A statement charging an individual with a criminal offense.

***court*** - A place where justice is administered and where judges are formally engaged in administering justice.

***cross-examination*** - Witness questioning by the opposing side.

***defendant*** - The person against whom a civil lawsuit is started, or a crime is charged.

***deliberation*** - Jury discussions and consideration of the facts presented prior to reaching a decision or verdict.

***deposition*** - Testimony taken under oath and outside of the courtroom.

***direct examination*** - The witness is first questioned by the side introducing the witness.

***district*** - A geographical court jurisdiction composed of one or more counties.

**district court** - A court of limited jurisdiction that hears civil cases that involve \$4,000 or less, juvenile matters, city and county ordinances, misdemeanors, traffic offenses, probate of wills and felony preliminaries. Guardianships and conservatorships for disabled persons are heard in district court, as well as voluntary or involuntary mental commitments, and cases relating to domestic violence and abuse. The Small Claims Division is part of the district court level of jurisdiction and handles matters informally with a value of \$1,500 or less.

**due process** - A constitutional provision guaranteeing an accused person a fair and impartial trial.

**evidence** - Any legally presented proof by a witness, records, documents, etc. during the course of a trial.

**exhibit** - Paper, document, or other material object received by the court and offered as evidence during a trial or hearing.

**family court** - Pilot projects in selected counties exclusively hearing family law issues and assigning all related cases to a single judge.

**felony** - A serious criminal offense punishable by imprisonment exceeding one year.

**indictment** - A grand jury's written accusation charging that a person or business allegedly committed a crime.

**instructions** - Direction given by a judge to the jury regarding the law in a case.

**judge** - An elected or appointed official with the authority to hear and decide cases in a court of law.

**jury** - People selected as prescribed by law to render a decision or verdict in a trial.

**law** - Rules and principles of conduct supported by the legislature, court decisions or local ordinances.

**litigant** - Any person or group engaged in a lawsuit.

**litigation** - A legal contest in a court.

**misdemeanor** - A less serious criminal offense punishable by a fine or imprisonment not exceeding one year.

**oath** - A written or oral pledge to keep a promise to speak the truth.

**objection** - A statement by an attorney opposing specific testimony or admission of evidence.

**opening statement** - An outline of anticipated proof presented to the jury by the attorneys in a case.

**overrule** - The court's denial of a motion or objection raised to the court.

**parties** - Those persons, corporations or associations who have filed a lawsuit or are defendants in a lawsuit.

**plaintiff** - The person or party filing suit in court against another person or party.

**preliminary hearing** - Synonymous with “preliminary examination.” The hearing given a person charged with a crime by a judge to determine whether he or she should be held or jailed.

**peremptory challenges** - The removal or striking of members from a jury for no stated reason or cause.

**probable cause** - A reasonable belief that a crime has or is being committed; the basis for all lawful searches.

**prosecution** - The act of pursuing a lawsuit or criminal trial; the prosecution in a criminal suit is the state.

**prosecutor** - The public official (commonwealth or county attorney) who performs the function of trial lawyer for the state or county.

**rebuttal** - The introduction of evidence to discredit statements of other witnesses.

**redirect examination** - Follows cross-examination and is exercised by that party who first examined the witness.

**sustain** - The court’s acceptance of any motion or objection.

**trial** - The examination of issues regarding fact and law before the court.

**venire** - The group of sworn jurors.

**verdict** - The final, formal trial decision made by a jury, read before the court and accepted by the judge.

**voir dire examination** -The preliminary questioning of jurors to establish their qualifications.

**witness** - A person subpoenaed to testify under oath, who possesses factual knowledge about a case.

More information about the Kentucky Court of Justice may be obtained by contacting your local judge or circuit clerk, or contact:

**Administrative Office of the Courts**  
**100 Millcreek Park**  
**Frankfort, Kentucky 40601-9230**  
**Telephone: (502) 573-2350**  
**(800) 928-2350**  
**[www.kycourts.net](http://www.kycourts.net)**